THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1514 of 2005

30th August 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23.06.2004 in W.P.NO.35222 OF 1998 on the file of the High Court.)

Between:

The Works Manager, APSRTC, Workshop, Tirupathi.

...APPELLANT

AND

1. Smt.P.Nagamma, W/o.Late Venkataswamy, C/o.N.Madhava Rao, 119/C, Type Quarters, TTD Vinayakanagar, K.T.Road, Tirupathi and one other.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1514 of 2005

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides. At their request, the Writ Appeal itself is taken up for disposal.

The appellant-Corporation seeks to assail the order dated 23.06.2005 of the learned Single Judge in Writ Petition No.35222 of 1998, which was filed at the instance of the legal representatives of the terminated worker, aggrieved by the award dated 23.07.1998 in I.D.No.94 of 1996 on the file of the second respondent-Labour Court, which was ultimately set aside.

Considering the submissions made and on perusal of the material available on record, it is seen that the second respondent has not categorically found that the incident has occurred apparently due to some misunderstanding between the parties. Therefore, it is held by the learned Single Judge that the termination is not valid. Further, in regard to the consideration of the case of compassionate appointment, it was left open to the Corporation to take appropriate decision.

Having regard to the same and especially in view of the fact as arrived at by the learned Single Judge, we do not find any ground to interfere with the same.

The Writ Appeal is accordingly dismissed.

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(B.PRAKASH RAO, J)

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(DR G.YETHIRAJULU, J)

30th August 2005

RRB

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